

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

CENTER CAPITAL CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.: JFM-03-400
)	
STEVEN TIMCHULA, CHARLES)	
THOMAS, and the ESTATE OF)	
JAMES BLAKE,)	
)	
Defendants.)	

CENTER CAPITAL CORPORATION'S MOTION FOR SUMMARY JUDGMENT

NOW COMES plaintiff Center Capital Corporation ("CENTER CAPITAL"), by and through its attorneys, Pope & Hughes, and for its Motion for Summary Judgment against Steven Timchula and Charles Thomas states as follows:

1. This case arises out of the failure of Steven Timchula and of Charles Thomas to make payments required by their personal guaranties of the obligations of Environmental Recycling and Waste Reduction, L.L.C. under Master Loan and Security Agreement No. 18099, dated March 17, 1997, and under Loan Schedule Nos. 4, 5, 6 and 7 thereto.

2. CENTER CAPITAL'S Affidavit of Craig Enright in Support of this Motion for Summary Judgment and CENTER CAPITAL'S Memorandum of Law, filed contemporaneously with this Motion, amply demonstrate there are no material facts concerning the liability of Defendant Timchula and Defendant Thomas.

3. The Affidavit of Kenneth D. Peters in Support of Attorney Fees is also filed contemporaneously with this Motion in support of attorney fees.


4. A proposed Order is attached.

Wherefore, CENTER CAPITAL respectfully requests this Court enter summary judgment

in its favor and against defendants Steven Timchula and Charles Thomas for damages for breach of personal guaranty, pre-judgment interest, attorney fees and costs, and post-judgment interest.

RESPECTFULLY SUBMITTED,

CENTER CAPITAL CORPORATION:

By: 

J. Preston Turner
POPE & HUGHES
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OF COUNSEL:

By: 

Kenneth D. Peters, Esq.
ASKOUNIS & BORST, P.C.,
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CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of July 2003, a copy of the foregoing pleading was sent via electronic filing and first class mail, postage prepaid, to:

Stephen J. Kleeman, Esquire
2 North Charles Street
The B&O Building, Suite 320
Baltimore, Maryland 21201

Attorney for Defendants

A handwritten signature in black ink, appearing to read 'J. Preston Turner', written over a horizontal line.

J. Preston Turner

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JAMES BLAKE,)	
)	
Defendants.)	

FINAL JUDGMENT ORDER

NOW COMES on for hearing Center Capital Corporation's Motion for Summary Judgment against Defendants Steven Timchula and Charles Thomas, due notice having been given, and the Court being fully advised in the premises, and this Court finding it has subject matter jurisdiction, IT IS ORDERED as follows:

1. Judgment is entered against Steven Timchula and Charles Thomas, jointly and severally, on Master Loan and Security Agreement No. 18099 dated March 17, 1997, and on Loan Schedule Nos. 4, 5, 6 and 7 in the amount of \$344,520.66;
2. Pre-judgment interest is awarded from June 4, 2002, until the date of entry of this Final Judgment Order at the rate of _____%, against Steven Timchula and Charles Thomas, jointly and severally.
3. In addition, judgment for attorney fees and costs in the amount of \$13,444.31 is entered in favor of Center Capital Corporation and against Steven Timchula and Charles Thomas, jointly and severally;
4. Post-judgment interest shall be at the maximum statutory rate.
5. This Order is a final and appealable judgment.

J. Frederick Motz, United States
District Court Judge

Dated: _____

Entered: _____